

## Coast Guard, DOT

## § 12.01-6

AUTHORITY: 31 U.S.C. 9701; 46 U.S.C. 2101, 2103, 2110, 7301, 7302, 7503, 7505, 7701; 49 CFR 1.46.

SOURCE: CGFR 65-50, 30 FR 16640, Dec. 30, 1965, unless otherwise noted.

U.S.C. 391a, 481), and sec. 3, 68 Stat. 675 (50 U.S.C. 198).

[CGFR 65-50, 30 FR 16640, Dec. 30, 1965, as amended by CGD 79-116, 60 FR 17142, Apr. 4, 1995]

### Subpart 12.01—General

### § 12.01-6 Definitions of terms used in this part.

#### § 12.01-1 Purpose of regulations.

(a) The purpose of the regulations in this part is to provide a comprehensive and adequate means of determining the identity or the qualifications an applicant must possess in order to be eligible for certification to serve on merchant vessels of the United States.

*Conviction* means the applicant for a merchant mariner's document has been found guilty by judgment or plea by a court of record of the United States, the District of Columbia or any State or territory of the United States of a criminal felony or misdemeanor or of an offense described in section 205 of the National Driver Register Act of 1982 (49 U.S.C. 30304). If an applicant pleads guilty or no contest, is granted deferred adjudication, or is required by the court to attend classes, make contributions of time or money, receive treatment, submit to any manner of probation or supervision, or forego appeal of a trial court's conviction, then the applicant will be considered to have received a conviction. A later expungement of the conviction will not negate a conviction unless it is proved to the OCMI that the expungement is based upon a showing that the court's earlier conviction was in error.

#### § 12.01-5 Authority for regulations.

(a) *General.* The authority to prescribe regulations generally is set forth in R.S. 4405 and 4462, as amended (46 U.S.C. 375, 416), and sec. 7 of the act of June 25, 1936, as amended (49 Stat. 1936; 46 U.S.C. 689), as well as in other provisions of titles 52 and 53 of the Revised Statutes and acts amendatory thereof or supplemental thereto. Under the provisions of R.S. 4403, as amended (46 U.S.C. 372), the Commandant, United States Coast Guard, superintends the administration of the vessel inspection laws and is required to produce a correct and uniform administration of the inspection laws, rules, and regulations. Under the provisions of section 2 of the act of July 5, 1885 (23 Stat. 118, 46 U.S.C. 2) the Commandant, United States Coast Guard, and the Commissioner of Customs, Bureau of Customs, have general superintendence of the commercial marine and merchant seamen of the United States, so far as vessels and seamen are not, under the existing laws, subject to the supervision of any other officer of the Government.

(b) *Certification of seamen.* The regulations regarding requirements for certification of seamen interpret or apply R.S. 4551, as amended, sec. 13, 38 Stat. 1169, as amended by sec. 1, 49 Stat. 1930, and secs. 1, 2, 50 Stat. 199, and modified by 52 Stat. 753, 55 Stat. 579, and 55 Stat. 732; and sec. 3, 68 Stat. 675; 46 U.S.C. 643, 672, 672b, 672-1, 672-2, 50 U.S.C. 198.

(c) *Lifeboatman.* The regulations regarding lifeboatman interpret or apply R.S. 4417a and 4488, as amended (46

*Evaluation* means processing an application, from the point of receipt to approval or rejection of the application, including review of all documents and records submitted with an application as well as those obtained from public records and databases.

*Fails a chemical test for dangerous drugs* means that the result of a chemical test conducted in accordance with 49 CFR part 40 is reported as "positive" for the presence of dangerous drugs or drug metabolites in an individual's system by a Medical Review Officer in accordance with that part.

*National Driver Register* (NDR) means the nationwide repository of information on drivers maintained by the National Highway Traffic Safety Administration as provided under 49 U.S.C. Chapter 303.

*NDR listed convictions* means a conviction of any of the following motor vehicle-related offenses or comparable offenses:

(a) Operating a motor vehicle while under the influence of, or impaired by, alcohol or a controlled substance; or

(b) A traffic violation arising in connection with a fatal traffic accident, reckless driving, or racing on the highways.

*Original document* means the first merchant mariner's document issued to any person by the Coast Guard.

*Passes a chemical test for dangerous drugs* means the result of a chemical test conducted in accordance with 49 CFR part 40 is reported as "negative" by a Medical Review Officer in accordance with that part.

*Qualified rating* means various categories of Able Seaman, Qualified Member of the Engine Department, Lifeboatman, or Tankerman endorsements on merchant mariner's documents.

[CGD 91-002, 58 FR 15238, Mar. 19, 1993, as amended by CGD 91-223, 60 FR 4525, Jan. 23, 1995; CGD 91-212, 60 FR 65487, Dec. 19, 1995]

#### § 12.01-7 Regional Examination Centers.

Licensing and Certification functions are performed only by the Officer in Charge, Marine Inspection, at the following locations:

Boston, MA	Toledo, OH
New York, NY	Long Beach, CA
Baltimore, MD	San Francisco, CA
Charleston, SC	Seattle, WA
Miami, FL	Anchorage, AK
New Orleans, LA	Juneau, AK
Houston, TX	Honolulu, HI
Memphis, TN	Portland, OR
St. Louis, MO	

Where the term *Officer in Charge, Marine Inspection*, or *Marine Inspection Office* is used within the context of this part it is to mean that *Officer* or *Office* at one of the above listed locations.

[CGD 82-033, 47 FR 28679, July 1, 1982, as amended by CGD 91-002, 58 FR 15239, Mar. 19, 1993]

### Subpart 12.02—General Requirements for Certification

#### § 12.02-3 Where documents are issued.

(a) Certificates of identification, certificates of service, certificates of efficiency, and continuous discharge books are issued to applicants qualifying

therefor at any Marine Inspection Office of the Coast Guard during usual business hours.

(b)(1) Coast Guard Merchant Marine Details abroad are authorized to conduct examinations for up-grading of seamen, but are not prepared to conduct the physical examination where required. Merchant Marine Details will therefore not issue regular certificates, but temporary permits in lieu thereof. Merchant Marine Details will instruct the recipient of each temporary permit to present it to the Officer in Charge, Marine Inspection, upon arrival in the first port in the United States in which a Marine Inspection Office is located in order to exchange it for a permanent certificate.

(2) The temporary permit shall be accepted in a Marine Inspection Office as proof that the bearer has complied with the rules and regulations governing the issuance of certificates, except as noted in the body of the temporary permit. The requirements noted in the exceptions will be complied with as in the case of other applicants.

(3) The written examinations are forwarded to the Director, National Maritime Center by Merchant Marine Details, and any Marine Inspection Office at which an applicant with a temporary permit appears may request and obtain the examination in the case from the Director, National Maritime Center. Any Marine Inspection Office which doubts the propriety of issuing a permanent certificate in lieu of a temporary permit which has been issued by a foreign Merchant Marine Detail shall inform the Director, National Maritime Center fully as to the circumstances.

[CGFR 65-50, 30 FR 16640, Dec. 30, 1965, as amended by CGD 95-072, 60 FR 50460, Sept. 29, 1995]

#### § 12.02-4 Basis for denial of documents.

(a) No person who has been convicted by a court of record of a violation of the dangerous drug laws of the United States, the District of Columbia, or any State or territory of the United States is eligible for an original merchant mariner's document, except as provided by the provisions of paragraph (c) of this section. No person who has